



WISCONSIN LEGISLATIVE COUNCIL

JOINT LEGISLATIVE COUNCIL MINUTES

Room 412 East, State Capitol
Madison, Wisconsin

June 3, 2003

8:35 a.m. – 9:35 a.m.

[The following is a summary of the June 3, 2003 meeting of the Joint Legislative Council. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting and a copy of the registration form listing those who attended. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2002studies.htm>.]

Call to Order and Roll Call

Co-Chair Wieckert called the meeting to order. The roll was called but a quorum was not present. He said that the roll would be left open and members recorded as they arrived.

Co-Chair Wieckert welcomed Senator Ronald Brown to the Joint Legislative Council who, due to the resignation of Senator Mary Lazich, was appointed to the Joint Legislative Council.

COMMITTEE MEMBERS
PRESENT:

Rep. Steve Wieckert and Sen. Alan Lasee, Co-Chairs; Reps. Stephen Freese, John Gard, Dean Kaufert, Michael Lehman, Marlin Schneider, John Townsend, and David Travis; and Sens. Ronald Brown, Alberta Darling, Russell Decker, Michael Ellis, Jon Erpenbach, Sheila Harsdorf, Fred Risser, and Robert Welch.

COMMITTEE MEMBERS
EXCUSED:

Reps. Spencer Coggs, Steven Foti, and Jim Kreuser; and Sens. Gary George and Mary Panzer.

COUNCIL STAFF PRESENT:

Terry C. Anderson, Director; Laura Rose, Deputy Director; Don Dyke, Chief of Legal Services; John Stolzenberg, Chief of Research Services; Joyce L. Kiel and Russ Whitesel, Senior Staff Attorneys; Philip G. Cardis and Nicholas Zavos, Staff Attorneys; and Wendy Ulrich and Kelly Mautz, Administrative Assistants.

APPEARANCES: Rep. Mark Pettis, Assembly Member of the Committee, Special Committee on State-Tribal Relations; Sen. Roger Breske and Rep. John Ainsworth, Co-Chairs, Special Committee on Recodification of Town Highway Statutes.

Consideration of 2002 Study Committee Reports:

Report of the Special Committee on State-Tribal Relations

In Chairperson Terry Musser's absence, Representative Mark Pettis, Assembly Member of the committee, reported on the activities of the committee and described in detail the following eight drafts recommended to the Joint Legislative Council:

- LRB-1470/1, a resolution relating to policy of executive branch consultation with tribal governments.
- LRB-1417/1, a resolution relating to state recognition of the sovereign status of federally recognized American Indian tribes and bands.
- LRB-1397/2, relating to creation of the Wisconsin tribal-state council.
- LRB-1398/1, relating to preparation of tribal impact statements for bills that would have an impact on tribal governments or American Indians.
- LRB-1368/1, relating to representations made regarding wild rice sold or offered for sale in this state.
- LRB-1372/3, relating to increasing the maximum amount of Indian student assistance grants.
- LRB-2552/1, relating to tribal administration of rehabilitation reviews for persons who otherwise may not operate, be employed at, contract with, or reside at an entity that provides care for children or adults.
- LRB-2553/2, relating to proceedings involving an American Indian juvenile who is alleged to have committed a delinquent act while physically outside the boundaries of a reservation and off-reservation trust land because of certain tribal court orders.

Council members had questions on a number of issues.

Report of the Special Committee on Recodification of Town Highway Statutes

Representative John Ainsworth and Senator Roger Breske, Co-Chairs, briefly reported on the activities of the committee and described WLC: 0009/1, relating to recodification of chs. 80 and 81.

Co-Chair Wieckert asked if there was any discussion on this proposal.

Approval of the Minutes of the Committee's March 12, 2003 Meeting

Noting that a quorum was present, Co-Chair Wieckert asked for a motion to approve the March 12, 2003 minutes of the Joint Legislative Council.

Rep. Freese moved, seconded by Rep. Lehman, that the minutes of the March 12, 2003 meeting be approved. The motion was adopted by unanimous consent.

Votes on 2002 Study Committee Reports

- **State-Tribal Relations**

Rep. Schneider moved, seconded by Sen. Risser, that the eight drafts recommended by the Special Committee on State-Tribal Relations be voted on en masse.

Rep. Lehman moved, seconded by Rep. Freese, that LRB-1470/1 and LRB-1372/3 be removed from the package and voted on separately. The motion to amend the main motion passed by a voice vote.

The main motion, as amended, passed on a roll call vote as follows: Ayes, 15 (Reps. Wieckert, Freese, Kaufert, Lehman, Schneider, Townsend, and Travis; and Sens. Lasee, Brown, Darling, Decker, Erpenbach, Harsdorf, Risser, and Welch); Noes, 2 (Rep. Gard; and Sen. Ellis); and Absent, 5 (Reps. Coggs, Foti, and Kreuser; and Sens. George and Panzer).

Rep. Schneider moved, seconded by Sen. Erpenbach, that LRB-1470/1, a resolution relating to policy of executive branch consultation with tribal governments, be introduced by the Joint Legislative Council. The motion failed on a roll call vote as follows: Ayes, 9 (Reps. Wieckert, Freese, Schneider, Townsend, and Travis; and Sens. Darling, Decker, Erpenbach, and Risser); Noes, 8 (Reps. Gard, Kaufert, and Lehman; and Sens. Lasee, Brown, Ellis, Harsdorf, and Welch); and Absent, 5 (Reps. Coggs, Foti, and Kreuser; and Sens. George and Panzer).

Sen. Erpenbach moved, seconded by Rep. Travis, that LRB-1372/3, relating to increasing the maximum amount of Indian student assistance grants, be introduced by the Joint Legislative Council. The motion failed on a roll call vote as follows: Ayes, 8 (Reps. Freese, Schneider, Townsend, and Travis; and Sens. Brown, Decker, Erpenbach, and Risser); Noes, 9 (Reps. Wieckert, Gard, Kaufert, and Lehman; and Sens. Lasee, Darling, Ellis, Harsdorf, and Welch); and Absent, 5 (Reps. Coggs, Foti, and Kreuser; and Sens. George and Panzer).

[Rep. Foti noted that had he been present, he would have voted “no” on all eight of the drafts recommended by the Special Committee on State-Tribal Relations.]

- **Recodification of Town Highway Statutes**

Rep. Freese moved, seconded by Rep. Lehman, that WLC: 0009/1, relating to recodification of chs. 80 and 81, be approved by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 17 (Reps. Wieckert, Freese, Gard, Kaufert, Lehman, Schneider, Townsend, and Travis; and Sens. Lasee, Brown, Darling, Decker, Ellis, Erpenbach, Harsdorf, Risser, and Welch); Noes, 0; and Absent, 5 (Reps. Coggs, Foti, and Kreuser; and Sens. George and Panzer).

[Rep. Foti noted that had he been present, he would have voted “aye” on WLC: 0009/1.]

Other Business

There was no other business to come before the Joint Legislative Council.

Adjournment

The meeting was adjourned at 9:35 a.m.

TCA:wu;ksm